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4, & 6**

PDF PAGE 1, COLUMN 1
**SUPREME COURT REFUSES TO POSTPONE
FRANK HEARING**

PDF PAGE 1, COLUMN 4

**DETECTIVES ARE
PROBING
CAUSE OF GRAY'S
DEATH**

Member of Coroner's
Jury Is

Not Satisfied With Verdict of “Accident”

A member of the coroner's jury which investigated the death of S. A. Gray, the elevator operator who was killed in a fall down the elevator shaft of the Austell building Saturday night, telephoned to Chief of Police Beavers that he was not satisfied with the verdict of “accident” and desired the chief to investigate. Chief Beavers refused to divulge the man's name, but immediately assigned two detectives on the case with instructions to report to him as soon as possible.

Gray met his death in a fall from the ninth floor of the building to the top of the freight elevator, six or seven floors below. There were no witnesses and some degree of mystery surrounds the case.

The body was taken to Sunnyside, Ga., Monday morning for funeral and internment.

PDF PAGE 1, COLUMN 6

**JUDGE SPEER'S
HEARING**

SET FOR NEXT JANUARY

Illness of Macon Jurist Causes

Delay in Trial of Charges

Brought Against Him

(By Associated Press.)

WASHINGTON, Nov. 10.—Hearing of witnesses in the investigation of charges of official misconduct against United States Judge Speer, of Georgia, will commence on January 19 next. This decision was reached by the house subcommittee on the judiciary today.

Taking of testimony originally was scheduled to begin November 1, but the illness of Judge Speer led the committee to postpone action until today, when it was agreed that a date should be set. Representatives of the jurist said today that it was

believed he would be able to appear before the committee by the middle of next January.

The first testimony probably will be taken at Macon, Ga., Judge Speer's home, for the convenience of himself and of other witnesses.

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STATE AND DEFENSE REQUEST DELAY IN FRANK ARGUMENTS

Attorneys Call at
Supreme

Court and Ask That
the Case

Be Put on January
Instead

of December
Calendar

POSTPONEMENT IS
DENIED;

CASE COMES UP
DEC. 15

Friends of Frank Plan to
Urge

Police to Secure Confession From Jim Conley After He Is Sentenced as Accessory

The supreme court of Georgia, Monday, flatly denied what amounted to a joint request of the state and the defense to postpone the argument in the Leo M. Frank case until the January term of the court.

"The rule of the court cannot be varied," the clerk told the attorneys after the judges of the state's highest court had held a conference, "and if the papers reach the court by December 1, the argument will be set for about December 15."

Another development of Monday in the famous criminal case was the statement of many attorneys that after Jim Conley is allowed to enter his plea Tuesday to the indictment charging him with being an accessory after the fact of Mary Phagan's murder he can never be tried for the girl's murder. Although at present it is believed Conley will be arraigned Tuesday, it is possible that his arraignment may be postponed to later in the week.

While there has been little probability of Conley's facing a murder charge since the emphatic statement of Solicitor Hugh M.

Dorsey that the negro would never be tried for the capital crime while he was in office, friends of Frank have always insisted that Conley was guilty. With the accepting will enter a plea of guilty for him, however, all possibility of his ever going on trial for his life is eliminated.

CONLEY TO PLEAD GUILTY.

Conley's attorney, William M. Smith, will enter a plea of guilty for him Tuesday and it will then be up to the court to decide whether Conley should be sentenced for a felony or a misdemeanor.

The maximum penalty which he can receive, even if sentenced for a felony, will be three years. The maximum sentence in all misdemeanor cases is one year. While the solicitor will not discuss this phase of the case, criminal attorneys are of the opinion that Conley will be sentenced for a misdemeanor. The matter will probably be left largely to the solicitor to decide, as in cases where a plea of guilty is taken the court is generally governed by the statements made by the prosecuting attorney.

It was definitely learned Monday that Attorneys Luther Z. Rosser and Reuben R. Arnold, who represent Frank, will make no move to block the trial, or rather the plea of Conley. The attorneys for Frank, while they have charged before Judge Roan that Conley is guilty of murder, do not represent the state or the defendant, so they will take no part in the proceedings.

COURT DECISION SURPRISES.

The action of the supreme court in denying the application to postpone the Frank case caused considerable surprise.

Monday morning Attorneys Rosser and Arnold called upon the solicitor and asked if he would consent to a motion to postpone the argument in the case until the January term of the supreme court. He did consent and sent his assistant, E. A. Stephens, to the capitol with the Frank attorneys to make the request of the supreme court.

The judges heard the plea informally in chambers. The attorneys for the defense stated that on account of the extremely voluminous record in the case and the fact that both of them will be engaged most of the time in the lower courts during the next few weeks, that they would like a postponement.

The assistant solicitor stated that Mr. Dorsey will be engaged in the criminal division of the superior court continuously until Christmas. He explained that the criminal docket is extremely congested and that the jail is filled with prisoners waiting trial.

WILL BE ARGUED DECEMBER 15.

The judges of the supreme court, after hearing from the attorneys for

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**STATE AND
DEFENSE**

**REQUEST DELAY
IN**

FRANK ARGUMENTS

(Continued From Page 1.)

both sides, stated that they would give their decision in the matter in the course of a few hours. Before noon Clerk Harrison called the attorneys and told them that the judges had decided that the routine procedure could not be changed for the case, and advised the lawyers that the case would come up for argument on or about December 15, if the papers reached the supreme court by December 1.

The clerk of the superior court is allowed by law only fifteen days in criminal cases to file with the supreme court the records in appealed cases. Judge L. S. Roan denied Frank's motion for a new trial on October 31, and on the same day the record was turned over to the clerk's office. As a result, it must be filed with the clerk of the supreme court by the 15th of this month. The law allows the clerk no longer than fifteen days in criminal cases, regardless of the size of the record.

The denial by the supreme court of the attorney's request means that they must rush the preparations of their briefs in the case, which will themselves be very voluminous documents, the preparation of which is very tedious.

There is no set rule in the supreme court as to how long after a case is argued that it is passed upon by the tribunal, but it is usually thirty and sixty days.

Frank's Friends Will Try

To Get Conley to Confess

Friends of Leo M. Frank asserted Monday that after Jim Conley enters his plea of guilty as an accessory after the fact of the Phagan murder and is sentenced for the offense they will endeavor to induce the police to make an effort to secure a confession from the negro.

Conley, they point out, will then be immune from further prosecution himself, and if his testimony against Frank was a lie framed up by the negro to protect himself, there can be no reason for his carrying it any further.

The negro has been in close touch with his attorney, William M. Smith, and is said to fully realize that after his plea is entered that he is safe, and could confess to murder without fear of prosecution.

Frank's friends will point out to the negro that if he is really guilty that there is absolutely no reason for him to allow an innocent man to hang and thus have a second crime upon his head, as after he has been sentenced as an accessory he will be perfectly safe from the law.
